

# PETRILLO KLEIN & BOXER LLP

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March 10, 2022

**By ECF**

The Honorable J. Paul Oetken  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2101  
New York, NY 10007

**Re:      *United States v. David Middendorf, et al.*, 18 Cr. 36 (JPO)**

Dear Judge Oetken:

On behalf of our client, David Middendorf, we respectfully request a modification to the conditions of Mr. Middendorf's release while on bail pending appeal, as set forth below.

Mr. Middendorf is currently on bail pending appeal of his March 11, 2019, conviction on one count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, and three counts of wire fraud, in violation of 18 U.S.C. § 1343. Pursuant to the Court's order of January 25, 2018 (ECF No. 31), as modified on February 7, 2018 (ECF No. 32), and December 17, 2019 (ECF No. 456), Mr. Middendorf's bail conditions are: supervised release, a \$400,000 personal recognizance bond co-signed by his wife, and travel permitted within the continental United States with pre-approval by Pretrial Services. He has been supervised by the Probation Office in the Northern District of Georgia.

Mr. Middendorf has been supervised without incident since his initial release on bail on January 22, 2018.

On February 11, 2022, Mr. Middendorf's Probation Officer, Officer Leslie Hopkins, conducted a home visit at Mr. Middendorf's residence in Georgia, during which she informed Mr. Middendorf that she planned to request that he be moved to unsupervised release in order to reduce the Probation Office's caseload. On February 17, 2022, Officer Hopkins sent a text message to Mr. Middendorf to ask that Mr. Middendorf, through counsel, submit a request to this effect to the Court.

Accordingly, we respectfully request that Mr. Middendorf's conditions of release on bail pending appeal be modified to remove the requirement that he be supervised by the U.S. Probation and Pretrial Services System.

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I have conferred with Officer Dominique Jackson of Pretrial Services, who advised that Pretrial Services takes no position on this motion.<sup>1</sup> I have also conferred with Officer Hopkins, who confirmed that she supports the removal of Mr. Middendorf's supervision condition.

I have also conferred with AUSA Jordan Estes, and she informed me that the government has no objection to this application.

Respectfully submitted,



Caelyn Stephens  
Nelson A. Boxer  
Petrillo Klein & Boxer LLP

- and -

Gregory S. Bruch  
Bruch Hanna LLP

*Counsel for David Middendorf*

Granted. Defendant Middendorf's current conditions of release are hereby modified to remove supervision by Pretrial Services and the Probation Department.

So ordered.

3/14/2022

  
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J. PAUL OETKEN  
United States District Judge

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<sup>1</sup> Officer Jackson conveyed this information in response to an email inquiry sent to Mr. Middendorf's assigned Pretrial Services officer, Officer Kathia Bermudez.